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OFFICE OF PETITIONS

In re Application of

Khanuja, et al.

Application No. 10/822,790

Filing Date: 13 April, 2004

Attorney Docket No. 033166-028

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DECISION ON PETITION

This is a decision on the petition filed on 13 August, 2004, to obtain a filing date of 13 April, 2004, for the instant application.

The petition under 37 C.F.R. §1.53 is **DISMISSED**.

BACKGROUND

This nonprovisional application was deposited on 13 April, 2004.

On 7 July, 2004, the Office mailed a "Notice of Incomplete Nonprovisional Application," (the 7 July Notice) and indicated that a filing date had not been granted because the application had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

The 7 July Notice also informed Petitioner that the application would receive the filing date consistent with the submission of required drawings, or that Petitioner might evidence that either drawings were not necessary for the understanding of the invention or the application as submitted otherwise satisfied the statutory requirements for a filing date.

Petitioner:

- filed the instant petition on 13 August, 2004; and

- alleged that the instant application incorporated by reference the parent such that the presence of the drawing in the parent with the incorporation by reference of that disclosure satisfied the statutory requirement.

When making such an allegation, it is proper to provide a copy of the parent application as filed.

Should Petitioner wish to proceed accordingly with the instant matter, Petitioner should submit a complete copy of the parent application as filed, a copy of the receipt card and a renewed petition. Petitioner should file these materials within two months of the date of this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail: (Effective 1 May, 2003)¹
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(703) 872-9306
(Effective 28 September, 2004: (571-273-0025)
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Lobby/Room 1B03
Crystal Plaza Two
220 20th Street S.
Arlington, VA 22202

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.